

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS
CENTRAL DIVISION

ROBERT J. KILLION, JR.,
Plaintiff

v.

COMMONWEALTH YACHTS, INC. and
MAINSIP CORPORATION,
Defendants

C.A. No. 04-40256-FDS


DEFENDANT COMMONWEALTH YACHTS, INC.'S
FED.R.CIV.P. RULE 12(b)(2) MOTION TO DISMISS

Now comes the Defendant Commonwealth Yachts and moves that this Honorable Court dismiss Plaintiff's claim for want of personal jurisdiction, pursuant to F.R.C.P. Rule 12(b)(2). As set forth in the supporting memorandum and Affidavit of Harry Barritt, filed herewith, the Commonwealth Yachts is a Virginia corporation that does not do business in Massachusetts. The transaction upon which the suit is based occurred in either Maryland or Virginia, but not in Massachusetts. Further, any representations to the Plaintiff were made in person, in Maryland. Therefore, this Court does not have personal jurisdiction over Commonwealth Yachts, Inc. and the Complaint must be dismissed.

WHEREFORE, the Defendant Commonwealth Yachts, Inc. respectfully requests that its Motion to Dismiss be allowed.

Respectfully submitted,

Commonwealth Yachts, Inc.
by its attorney


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Dated: January 18, 2005